

## **Chapter 167**

### **VEHICLES, ABANDONED, INOPERABLE OR UNREGISTERED**

**[HISTORY: Adopted by the Board of Selectmen of the Town of Granby 10-3-2005. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Violation and citation hearing procedure — See Ch. 58.

Nuisances — See Ch. 114.

Parks and recreation areas — See Ch. 121.

Solid waste — See Ch. 144.

Vehicles and traffic — See Ch. 170.

#### **§ 167-1. Purpose.**

The purpose of this chapter is to eliminate within the Town abandoned, inoperable, or unregistered motor vehicles not parked in totally enclosed structures.

#### **§ 167-2. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

**ABANDONED, INOPERABLE, OR UNREGISTERED MOTOR VEHICLE** — A motor vehicle or the parts thereof not currently registered by the State of Connecticut Department of Motor Vehicles or not currently operable, inherently incapable of performing the function for which it was designed or incapable of immediately passing a Motor Vehicle Department equipment inspection or incapable of immediately being driven on the highways of the State of Connecticut.

**ANTIQUE, RARE OR SPECIAL INTEREST MOTOR VEHICLE** — A motor vehicle 20 years old or older, which is complete in appearance and being preserved or being actively restored.

**ENCLOSED STRUCTURE** — Any fully enclosed roofed structure, including barns, sheds or other buildings legally erected and serving the purpose of housing a motor vehicle. This definition shall not include fences, tarps or car covers.

**MOTOR VEHICLE** — Any vehicle propelled or drawn by any power other than muscular, as defined in C.G.S. § 14-1(53), as amended.<sup>1</sup>

**PARTS OF MOTOR VEHICLE** — Any and all components of a motor vehicle as herein defined, including, but not limited to, tires, wheels, headlights, taillights, axles, engines, engine blocks, carburetors, bumpers, windshields, doors, mufflers, exhaust systems,

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

pipes, seats, dashboards, trunks, frames, drive shafts, springs, shock absorbers, and fuel tanks.

**§ 167-3. Joint and several obligation.**

The obligations under this chapter shall be the joint and several obligation of the owner of the motor vehicle and the owner of the real property on which said vehicle is located.

**§ 167-4. Storage requirements; notice of violation.**

- A. Noncompliance. All abandoned, inoperable, or unregistered motor vehicles or parts thereof shall be kept in a completely enclosed structure unless a valid permit for repair, preservation, or temporary storage has been obtained as hereinafter provided.
- B. Any owner of a motor vehicle and the owner of the real property on which the motor vehicle is located who fails to comply with this chapter within 15 days of the service upon him of notice of the violation shall be in violation of this chapter. Each motor vehicle not so stored shall constitute a separate violation of this chapter. Each day said motor vehicle is not so stored shall constitute a separate violation. Service of the requisite notice may be made by first-class mail.
- C. Removal and return. No vehicle once removed pursuant to said notice may be returned to said real property except in compliance with this article.

**§ 167-5. Application for permits.**

The owner of a motor vehicle which is an antique, rare or special interest motor vehicle or which is in the process of being repaired or which qualifies for temporary storage may apply to the Town Manager or his designee for an application for one of three permits as follows:

- A. Restoration/preservation permit. Any owner of an antique, rare or special interest motor vehicle as herein defined may apply for an exemption from the requirements of this chapter for a period not to exceed one year upon a satisfactory showing that the motor vehicle is actively being restored or preserved as an antique, rare or special interest motor vehicle. This permit may be renewed yearly as long as all requirements are met.
- B. Temporary repair permit. Any owner of a motor vehicle, which is in the process of being repaired, may apply for a temporary permit for repair for a period of not longer than 60 days. No permit shall be issued if said repair work is being done commercially or for a fee or any consideration of value. After the expiration of said sixty-day period, said motor vehicle must be registered by the Department of Motor Vehicles or stored in compliance with this article.
- C. Temporary storage. An owner of an unregistered motor vehicle which is neither abandoned nor inoperable but which the owner desires to have remain unregistered for a specific length of time not to exceed one year may apply for a temporary storage permit. A temporary storage permit may be issued for said unregistered

motor vehicle (which is immediately capable of being registered and operated on highways of the State of Connecticut) for a period not to exceed one year. A temporary storage permit may be reissued for one additional year in the case of exceptional hardship.

**§ 167-6. Denial or issuance of permit.**

The Town Manager or his designee shall provide the applicant written notice of the issuance or denial of the application for any permit within 15 days of submission of a completed application. If a permit is denied, the basis for such denial will be set out in writing and the applicant shall comply with this article within seven days of said denial. After denial no subsequent application for the same permit for the same vehicle shall be entertained.

**§ 167-7. Permit requirements.**

The following conditions shall apply before any application for any of the above permits shall be entertained:

- A. The vehicle must be currently listed on the grand list of the Town with taxes paid current.
- B. Only one such motor vehicle shall be permitted at any time on the property. Not more than one permit shall be valid on any property at the same time.
- C. All motor vehicle parts used for restoration or repair must be stored in the vehicle or in an enclosed structure.
- D. No repair work is to be done nor are motor vehicles to be stored in the required front or side yard as prescribed by the Granby Zoning Regulations.
- E. As a condition for the issuance of a permit, the applicant joined by the owner of the property and the person or persons having the legal right of possession of the real property on which the motor vehicle shall be located shall grant the Town Manager or his authorized representative the right to enter upon his or her property for the limited purpose of enforcing this article.
- F. Unless the motor vehicle is located on a driveway, no such permit shall be issued and no such permit shall be valid for any vehicle located in the "front yard" of the house defined to include all area to the front of the plane of the house or nearer than 75 feet from the street line if located on a parcel of land without a dwelling unit.
- G. The applicant shall pay the application fee established by the Board of Selectmen to defray the cost of the permit program.
- H. Upon approval of the application for repair, one similar motor vehicle may be maintained for use as replacement parts for the vehicle being repaired. Such replacement parts vehicle may be kept on the property for a period not to exceed 30 days.

**§ 167-8. Display of permit.**

Upon the issuance of any permit hereunder, the applicant shall permanently display said permit on the vehicle in such manner as to be clearly visible on inspection.

**§ 167-9. Violation of permit conditions.**

The violation of any of the conditions herein specified under which a permit is granted or maintained shall make that permit null and void.

**§ 167-10. Permit fee.**

A fee for processing of an application for repair and monitoring compliance shall be set by the Board of Selectmen and adjusted periodically. No permit shall issue until all appropriate fees are paid.

**§ 167-11. Fencing exception.**

Anything to the contrary notwithstanding, it shall not be a violation of this article to store up to one inoperable or unregistered motor vehicle if completely enclosed in fencing so as not to be visible either from a public street or from neighboring properties, provided:

- A. The fencing complies with all applicable codes and zoning regulations; and
- B. Said vehicle is stored in the area of the property which is to the rear of the principal building on the property.

**§ 167-12. Enforcement.**

Complaints or reports of violations shall be referred to the Department of Police Services for investigation and action. The enforcement of this chapter shall be in accordance with Chapter 58, Violation and Citation Hearing Procedures, Article II, Parking and Ordinance Violations, adopted August 9, 1999. In addition, the Town may seek to enforce this chapter by injunction. Any person found in such a proceeding to have violated this chapter shall pay all of the costs and fees, including a reasonable attorney's fee, incurred by the Town in pursuing such an action. Further, all fines, penalties, costs, and fees assessed against any such violator shall constitute a lien on the premises in violation; provided, however, the owner of the premises was made a party to the enforcement proceedings, and provided further that a certificate of lien in favor of the Town, signed by the Town Manager, reciting the violation or violations committed and the specific fines, penalties, costs, and fees assessed is recorded in the land records. A true copy of such certificate of lien shall be served upon the owner of the premises within 10 days of its recording in the land records. Such lien shall take effect from the date of its recording. The remedies herein specified shall be cumulative.

**§ 167-13. Penalties for offenses.<sup>2</sup>**

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<sup>2</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Any person or persons who violate this chapter shall be fined not more than \$250 for each day or part thereof such violation continues after the final date for compliance specified in the notice hereinabove provided, which fine shall be payable to the Town. If more than one abandoned inoperable or unregistered motor vehicle is stored, each motor vehicle so stored shall constitute a separate violation of this chapter.